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| Title | Judicial Sabbatical Pilot Program (adopt Cal. Rules of Court, rule 6.151) |
| Summary | Proposed rule 6.151 would establish the Judicial Sabbatical Pilot Program provided for in Government Code sections 77213 and 68554, provide for paid and unpaid sabbaticals for jurists. |
| Source | Task Force on Judicial Service |
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| Discussion | <p>In 2001, the Judicial Council's Executive and Planning Committee asked members of the Task Force on Judicial Service to develop recommendations for a Judicial Sabbatical Pilot Program, within certain guidelines established by the Executive and Planning Committee.</p> <p>Two statutes authorize judicial sabbaticals. Government Code section 68554 permits up to one year of unpaid leave for the purpose of "permitting study which will benefit the administration of justice and the individual's performance of judicial duties." Government Code section 77213(b)(3), enacted in 1998, authorizes the Judicial Council to retain experienced jurists by establishing "educational sabbaticals, not to exceed 120 days every five years, as provided for by rules of court adopted by the Judicial Council." This second type of sabbatical may be paid.</p> <p>In the case of paid sabbaticals, the statute authorizes the expenditure of money in the Judicial Administration Efficiency and Modernization Fund (JAEMF) to fund the "educational sabbaticals." However, this section is not operative until rules are adopted to implement it.</p> <p>Implementation of this Judicial Sabbatical Pilot Program would include the following:</p> <ul style="list-style-type: none"> • The pilot program would run for three years and will provide for paid sabbaticals for up to 12 applicants; • Funds would be made available from the Judicial |

Administration Efficiency and Modernization Fund (JAEMF) to allocate assigned judges as necessary to those courts whose judges are approved for paid sabbaticals;

- The council would establish a committee to review requests for sabbaticals and make recommendations to the council. The committee will consist of one member from each of the following: The Administrative Presiding Justices Advisory Committee, the Trial Court Presiding Judges Advisory Committee, the Court Executives Advisory Committee, the Task Force on Judicial Service, and the Governing Committee of the Center for Judicial Education and Research, as well as a liaison from the California Judges Association. The review committee will be staffed by the Human Resources Division of the Administrative Office of the Courts (AOC) and appointed by the Judicial Council;
- Upon completion of a judicial sabbatical the judge would report to the Judicial Council on the how the leave will promote the administration of justice in California and the way it benefited the judge professionally; and
- Criteria for selecting sabbatical participants are outlined in the attached proposed rule of court.

The intent of a judicial sabbatical leave program is to provide qualified judges and justices an opportunity to take advantage of the statutorily authorized opportunity to study, teach, do research, or engage in other activity that will benefit the state and the California justice system and enhance their judicial experience.

Establishing the Judicial Sabbatical Pilot Program will facilitate coordinating the leave provisions in the two Government Code sections and provide the Judicial Council with information on the effectiveness of judicial sabbaticals.

Attachment

Rule 6.151 of the California Rules of Court would be adopted, effective January 1, 2003, to read:

Rule 6.151 Judicial sabbatical pilot program

(a) [Objective] Sabbatical leave is a privilege available to jurists by statute. The objective of sabbatical leave is to facilitate study, teaching, research, or other activity that will benefit the administration of justice and enhance judges' performance of their duties.

(b) [Eligibility]

(1) A judge or justice is eligible to apply for a paid sabbatical under Government Code section 77213 if:

(A) He or she has served for seven years as a California judicial officer, including service as a subordinate judicial officer;

(B) He or she has not taken a sabbatical within seven years of the date of the proposed sabbatical; and

(C) He or she agrees to continue to serve as a judicial officer for at least three years after the sabbatical.

(2) Any judge is eligible to apply for an unpaid sabbatical under Government Code section 68554.

(c) [Application]

(1) An eligible judge may apply for a sabbatical by submitting a sabbatical proposal to the Administrative Director of the Courts.

(2) The sabbatical proposal must include:

(A) The judge's certification that he or she meets the eligibility requirements established in (b);

(B) The beginning and ending dates of the proposed sabbatical;

(C) A description of the sabbatical project, including an explanation of how the sabbatical will benefit the administration of justice and the judge's performance of his or her duties;

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2 (D) A confidential statement from the presiding judge or justice
3 of the affected court indicating approval or disapproval of the
4 sabbatical request and the reasons for such approval or
5 disapproval.
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8 **(d) [Judicial Sabbatical Review Committee]** A Judicial Sabbatical
9 Review Committee will be appointed to make recommendations to the
10 council regarding sabbatical requests.
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12 (1) (Membership) The committee must include at least one member
13 from each of the following:
14

15 (A) The Administrative Presiding Justices Advisory Committee;
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17 (B) The Trial Court Presiding Judges Advisory Committee;
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19 (C) The Trial Court Executives Advisory Committee;
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21 (D) The Governing Committee of The Center for Judicial
22 Education and Research;
23

24 (E) The Task Force (Advisory Committee) on Judicial Service;
25 and
26

27 (F) The California Judges Association (liaison)
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29 (2) (Staffing) The committee will be staffed by the Human Resources
30 Division of the Administrative Office of the Courts and may elect
31 its chair and vice-chair.
32

33 **(e) [Evaluation]**
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35 (1) The Administrative Director of the Courts must forward all
36 sabbatical requests that comply with (c) to the Judicial Sabbatical
37 Review Committee.
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39 (2) The Judicial Sabbatical Review Committee must recommend
40 granting or denying the sabbatical request after considering the
41 following factors:
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1 (A) Whether the sabbatical will benefit the administration of
2 justice in California and the judge's performance of his or her
3 duties; and

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5 (B) Whether the sabbatical leave will be detrimental to the
6 affected court.

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8 (3) The Judicial Sabbatical Review Committee may recommend an
9 unpaid sabbatical if there is insufficient funding for a paid
10 sabbatical.

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12 **(f) [Length]**

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14 (1) A paid sabbatical taken under Government Code section 77213
15 may not exceed 120 calendar days. A judge may be able to add
16 unpaid sabbatical time onto the end of a paid sabbatical if the
17 purpose of the unpaid sabbatical is substantially similar to the
18 work of the paid sabbatical.

19
20 (2) An unpaid sabbatical taken under Government Code section 68554
21 may not exceed one year.

22
23 **(g) [Ethics and compensation]**

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25 A judge on sabbatical leave is subject to all the Canons of Judicial Ethics and
26 while on a paid sabbatical must not accept compensation for activities
27 performed during that sabbatical leave but may receive reimbursement for
28 expenses provided in Canon 4H(2).

29
30
31 **(h) [Judge's report]**

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33 Upon completion of a sabbatical leave the judge must report, in writing, to
34 the Judicial Council on how the leave benefited the administration of justice
35 in California and its affect on his or her official duties as a judicial officer.

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37 **(i) [Retirement and benefits]**

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39 (1) A judge on a paid sabbatical leave under Government Code section
40 77213 continues to receive all the benefits of office and accrues
41 service credit toward retirement.

1 (2) A judge on unpaid sabbatical leave under Government Code
2 section 68554 receives no compensation, and the period of absence
3 does not count as service toward retirement. The leave does not
4 affect the term of office.
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6 (i) **Judicial assignment replacement** Funds must be made available
7 from the Judicial Administration Efficiency and Modernization Fund
8 (JAEMF) to allocate additional assigned judges to those courts whose
9 judges are approved for paid sabbaticals.